

except as otherwise provided by law; providing for election proclamation and submission to qualified electors of the State and making an appropriation.

C. S. H. J. R. No. 32, Proposing an amendment to Article I of the Constitution of the State of Texas, by adding thereto another section following Section 15, providing that the right to jury trial in lunacy cases shall be the same as in ordinary civil cases, and further providing for waiver of a jury trial; further providing for the submission of this amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof; and providing for the necessary appropriation to defray the necessary expenses for the submission of this amendment.

H. C. R. No. 139, To permit the House to consider H. B. No. 973 on Wednesday, June 15, or Thursday, June 16, 1949.

#### Adjournment

On motion of Senator Hardeman, the Senate at 1:10 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, June 20, 1949.

#### Record of Votes

Senators Phillips, Kelly of Tarrant, and Corbin asked to be recorded as voting "nay" on the motion to adjourn.

#### FIFTY-SEVENTH DAY

(Monday, June 20, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Colson	Martin
Corbin	McDonald
Cousins	Moffett
Hardeman	Moore
Harris	Morris
Hazlewood	Phillips
Hudson	Proffer

Shofner  
Strauss  
Taylor

Tynan  
Vick  
Weinert

Absent—Excused

Carney

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 16, 1949, was dispensed with and the Journal approved.

#### Leave of Absence Granted

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Morris.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
June 16, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 359. The following have been appointed on the part of the House:

Kilgore, Vale, Kazen, Daniel, Murray.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 230. The following have been appointed on the part of the House:

Cheatham, Slimp, Shell, Wood of Smith, Pattison.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 338. The following have been appointed on the part of the House:

Craig, Caven, Storey, Isaacks, Senterfitt.

S. B. No. 387, A bill to be entitled "An Act to create the State Budget Board; prescribing its powers, duties, and functions; making an appropriation; and declaring an emergency."

(With amendments)

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 222. The following have been appointed on the part of the House:

Slimp, Loving, Wagonseller, Bradshaw, Jackson.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 180. The following have been appointed on the part of the House:

Slimp, Brooks of Jefferson, Johnson, Clifton, Pattison.

The House has concurred in Senate amendments to H. J. R. No. 15 by vote of 106 yeas, 2 nays.

S. B. No. 486, A bill to be entitled "An Act authorizing the State Parks Board to repair, build or construct a dam or dams on the rivers or streams running through the Huntsville State Park for the purpose of impounding the waters thereof and forming reservoirs or lakes to be used for recreational and park purposes; providing that no such dam shall be repaired, built or constructed until a permit has been granted therefor by the State Board of Water Engineers; authorizing the State Parks Board to pay for the repairing, building or construction of such dam or dams and other permanent improvements; providing for the payment of same from the sale of timber from the lands comprising said Park; providing for the cutting and sale of such timber; providing for a special fund in which such moneys shall be placed; repealing all laws and parts of laws in conflict herewith; providing a savings clause; providing for the expenditure of such fund; and declaring an emergency."

H. B. No. 976, A bill to be entitled "An Act repealing Senate Bill No. 278, Acts of the 51st Legislature, relating to the use of certain seines and nets on the waters of Caddo Lake and its tributaries in Harrison and Marion Counties; and declaring an emergency."

The House refused to concur in Senate amendments to House Bill No. 97 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following have been appointed on the part of the House:

Zivley, Kirkpatrick, Lewis, Jameson,

Luedemann.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Reports of Standing Committees

Senator Jones submitted the following report:

Austin, Texas,  
June 20, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 957, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Senator Lane submitted the following report:

Austin, Texas,  
June 20, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 965, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas,  
June 20, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 474, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman.

Austin, Texas,  
June 20, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 952, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and

be printed.

KELLY of Tarrant, Chairman.

### Senate Resolution 208

Senator Aikin offered the following resolution:

Whereas, Mr. C. S. Dellinger of Lamar County is visiting in the Capitol today; and

Whereas, The Senate is delighted to have our good citizens who are interested in the welfare of our State and our communities visit us at any time; now, therefore, be it

Resolved, That Mr. Dellinger be extended the privileges of the floor for today, and that he be given a copy of this resolution.

The resolution was read and was adopted.

### House Bill 378 Set as Special Order

Senator Bracewell moved that H. B. No. 378 be set as a special order for Wednesday, June 22, 1949, immediately following the morning call.

The motion prevailed by the following vote:

#### Yeas—21

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Harris	Shofner
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	

#### Nays—7

Aikin	Strauss
Hardeman	Taylor
Lock	Weinert
Martin	

#### Absent

Hudson	Phillips
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#### Absent—Excused

Carney

(President in the Chair)

### Address by Sir Bede Clifford

At this time the President recognized Senator Ashley, who announced

that Sir Bede Clifford, Governor General of the Bahamas and Trinidad, and General A. C. Critchley, former member of the House of Commons, were present in the Senate.

The President appointed Senators Ashley, Bell and Martin as a committee to escort the distinguished guests to the President's stand.

The President then introduced Sir Bede Clifford who addressed the Senate briefly.

The President then presented General A. C. Critchley to the Senate.

(President pro tempore in the Chair)

### Leave of Absence Granted

Senator Bell was granted leave of absence for the remainder of the day on account of important business on motion of Senator Martin.

### Senate Bill 37 with House Amendments

The President pro tempore laid before the Senate as the postponed business for this hour, S. B. No. 37 with House amendments.

A motion by Senator Proffer, to concur in the House amendments to the bill having been made on Wednesday, June 15, 1949, and a motion by Senator Morris not to concur in the House amendments to the bill and that a conference committee be appointed to adjust the differences between the two Houses on the bill having been made on Thursday, June 16, 1949.

Question—Shall the motion by Senator Morris prevail?

Yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—9

Bullock	Morris
Colson	Shofner
Harris	Strauss
Hudson	Vick
Lane	

#### Nays—18

Aikin	Hardeman
Ashley	Hazlewood
Corbin	Jones
Cousins	Kelley of Hidalgo

Kelly of Tarrant	Moore
Lock	Phillips
Martin	Proffer
McDonald	Taylor
Moffett	Tynan

**Absent**

Weinert

Absent—Excused

Bell

**Paired**

Senator Bracewell (present), who would vote no with Senator Carney (absent), who would vote aye.

**Motion to Recess**

Senator Morris moved that the Senate recess to 2:30 o'clock p.m. today.

Yeas and nays were demanded.

The motion was lost by the following vote:

**Yeas—10**

Bracewell	Hudson
Bullock	Morris
Colson	Shofner
Hardeman	Strauss
Harris	Vick

**Nays—17**

Aikin	Martin
Ashley	McDonald
Corbin	Moffett
Hazlewood	Moore
Jones	Phillips
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	

**Absent**

Cousins                      Weinert

Absent—Excused

Bell                              Carney

Question then recurring on the motion by Senator Proffer to concur in the House amendments to the bill, it prevailed by the following vote:

**Yeas—20**

Aikin	Hazlewood
Ashley	Hudson
Corbin	Jones
Cousins	Kelley of Hidalgo
Hardeman	Kelly of Tarrant

Lane	Moore
Lock	Phillips
Martin	Proffer
McDonald	Taylor
Moffett	Tynan

**Nays—7**

Bullock	Shofner
Colson	Strauss
Harris	Vick
Morris	

**Absent**

Weinert

Absent—Excused

Bell

**Paired**

Senator Bracewell (present), who would vote aye with Senator Carney (absent), who would vote nay.

**Senate Bill 497 on First Reading**

By unanimous consent, the following bill was introduced, read first time and referred to the committee indicated:

By Senator Aikin:

S. B. No. 497, A bill to be entitled "An Act making a supplemental appropriation for the Fire Insurance Division of the Board of Insurance Commissioners, and declaring an emergency."

To the Committee on Finance.

**Report of Standing Committee**

By unanimous consent, the following report was submitted at this time:

Austin, Texas,  
June 20, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 497, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

TAYLOR, Chairman.

**Bills Ordered Not Printed**

On motion of Senator Tynan, it was ordered that H. B. No. 965 be not printed.

On motion of Senator Hardeman,

it was ordered that H. B. No. 474 be not printed.

On motion of Senator Lock, and by unanimous consent, it was ordered that H. B. No. 957 be not printed.

On motion of Senator Aikin and by unanimous consent, it was ordered that S. B. No. 497 be not printed.

#### Report of Conference Committee on House Bill 130

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,  
June 20, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill 130, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

KELLY of Tarrant  
TYNAN  
KELLEY of Hidalgo  
HUDSON  
VICK

On the part of the Senate.

ISAACKS  
BERGMAN  
WILLIS of Tarrant  
FLEMING  
McDONALD

On the part of the House.

H. B. No. 130 By: Willis of Tarrant  
A BILL  
TO BE ENTITLED

"An Act to amend Section 4 of Chapter 1, Title: Attorneys, House Bill No. 74, page 64, Acts Regular Session, Forty-sixth Legislature, (1939) known as the State Bar Act so as to empower the Supreme Court to prescribe fees not exceeding Six (\$6.00) Dollars per annum per person for members of the State Bar to be paid to the Clerk of the Supreme Court and to be expended by the Court or under its direction for the purpose of the administration of the State Bar Act; providing that all laws or parts of laws in conflict with this Act are hereby repealed; further providing that this Act shall not effect a repeal of or in anywise impair any existing rules governing the State Bar adopted by

the members of the State Bar and promulgated by the Supreme Court prior to the effective date of this Act; and declaring an emergency."

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 4 of Chapter 1, Title: Attorneys, House Bill No. 74, page 64, Acts Regular Session, Forty-sixth Legislature (1939), known as the State Bar Act, is hereby amended so that same shall hereafter read as follows:

"Sec. 4. Subdivision (a). From time to time as to the Court may seem proper, the Supreme Court of Texas shall prepare and propose rules and regulations for disciplining, suspending, and disbaring attorneys at law; for the operation, maintenance, and conduct of the State Bar; and prescribing a code of ethics governing the professional conduct of attorneys at law. When the Court has prepared and proposed such rules and regulations, it shall submit by mail a copy of each such rule and regulation, as well as all such other rules and regulations as may have been proposed and filed with the Court, supported by petition signed by at least ten per cent (10%) of the registered members of the State Bar, in ballot form to each registered member of the State Bar for a vote thereon. At the end of thirty (30) days from the time such ballots are mailed, the Court shall count the ballots that have been returned, provided that no election shall be valid unless a minimum of fifty-one per cent (51%) of the members registered shall have voted at the election at which such rule or rules are adopted; and each and all of such rules and regulations that have received a majority of the votes cast shall be by said Court declared and adopted and shall be promulgated by said Court and shall become immediately effective. Such vote shall be open to inspection by any member of the Bar. No rule or regulation shall be promulgated that has not received a majority of votes cast in the manner above provided. Nothing herein shall be construed as authorizing the Court to prescribe fees to be charged for legal services rendered by any attorney.

"Subdivision (b). The Supreme Court is further empowered and it shall be its duty to prescribe fees not exceeding Six (\$6.00) Dollars per an-

num per person for members of the State Bar to be paid to the Clerk of the Supreme Court to be held by him and expended by the Court or under its direction for the purpose of the administration of this Act. Any person licensed and registered may pay to the Clerk of the Supreme Court a sum of money from which the fees owed by such person may be taken from time to time as they become due."

Sec. 2. All laws or parts of laws in conflict with this Act are hereby repealed but this shall not effect a repeal of or in anywise impair any existing rules governing the State Bar adopted by members of the State Bar and promulgated by the Supreme Court prior to the effective date of this Act.

Sec. 3. The fact of the crowded condition of the calendar, the fact that the State Bar was created by the Forty-sixth Legislature as "an administrative agency of the Judicial Department of the State" with such powers as are reasonably necessary to carry out the purposes of the State Bar Act enacted by the Forty-sixth Legislature (1939) and the fact that more funds are needed from annual fees to carry out the purposes of the State Bar Act create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House of the Legislature be, and the same is hereby suspended, and this Act shall be in force from and after its passage, and it is so enacted.

The report was read.

#### House Bill and Resolution on First Reading

The following bill and resolution, received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 976, to the Committee on Game and Fish.

H. C. R. No. 137, to Committee on Oil, Gas and Conservation.

#### Message from the Governor

The following message, received from the Governor, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
June 18, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the State Board of Medical Examiners for six year terms to expire April 13, 1955:

Dr. H. L. Klotz of Austin, Travis County; Dr. W. C. Morrow of Greenville, Hunt County; Dr. R. L. Martin of Mt. Pleasant, Titus County; Dr. Denton Kerr of Houston, Harris County.

To be Members of the State Board of Veterinary Medical Examiners for terms to expire January 17, 1955:

Dr. J. M. Black, Jr., Marshall, Harrison County; Dr. Valton V. Cox of Lubbock, Lubbock County; Dr. J. W. Dollahite of Marfa, Presidio County; Dr. Raymond G. Garrett of Taylor, Williamson County; Dr. Raymond Hander of Childress, Childress County; Dr. L. J. Lauraine, Gonzales, Gonzales County; Dr. Henry K. Maier of Beaumont, Jefferson County.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

#### Senate Bill 497 on Second Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 497 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moore
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

Nays—2

Harris	Morris
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**Absent**

Hazlewood      Moffett  
Hudson          Weinert

**Absent—Excused**

Bell              Carney

The President pro tempore then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 497, A bill to be entitled "An Act making a supplemental appropriation for the Fire Insurance Division of the Board of Insurance Commissioners and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 497 on Third Reading**

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

**Absent**

Hudson

**Absent—Excused**

Bell              Carney

**Report of Conference Committee on Senate Bill 338**

Senator Hazlewood submitted the following report:

Austin, Texas,  
June 16, 1949.

Hon. Durwood Manford, Speaker of the House of Representatives.

Hon. Allan Shivers, President of the Senate.

Sirs: We, the members of your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 338, have met and had same under consideration, and recommend that Senate Bill No. 338 be passed in the form attached hereto.

Respectfully submitted,

CRAIG  
STOREY  
SENTERFITT  
ISAACKS  
CAVEN

On the part of the House.

HAZLEWOOD  
MOFFETT  
LANE  
CARNEY  
WEINERT

On the part of the Senate.

S. B. No. 338      By: Hazlewood

**A BILL  
TO BE ENTITLED**

"An Act to permit the leasing of lands subject to any contingent future interest for the development of oil, gas and other minerals; providing for the appointment of a receiver to lease such lands at public or private sale and receive the proceeds thereof and reinvest such proceeds and distribute income and principal to the proper owners under order of the court; providing for notice to all interested persons; providing for certain exceptions of leases where oil or gas wells have already been drilled or where drilling operations have begun on the effective date of this Act; providing further for the written consent of the owner or owners of homestead rights; providing a savings clause; and declaring an emergency."

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. Where lands or any estate therein are subject to contingent future interests, legal or equitable, whether arising by way of remainder, reversion, possibility of reverter, executory devise, upon the happening of a condition subsequent, or otherwise, and it is made to appear that such lands or estate are liable to drainage of oil, gas and other minerals, or either of them, or that lease thereof for oil, gas or mineral development and the safe and proper investment of the proceeds will inure to the benefit and advantage of the persons entitled

thereto, or that it is otherwise necessary for the conservation, preservation or protection of the property or estate or of any present or contingent or future interest therein, that such lands or estate be leased for the production of oil, gas and other minerals, or either of them, upon application of any person having a vested, contingent, or possible interest in said lands or estate, any District Court of the County in which the lands or a part thereof lie shall have power, pending the happening of the contingency and the vesting of such future interests, to appoint a receiver for such lands or estate and to authorize and direct the lease of such property for development of oil, gas and other minerals or either of them, either at public sale or at private sale, and upon such terms and conditions as the court may direct; and in such case to authorize a receiver to make such lease and to receive, hold and invest the proceeds thereof under the direction of the Court for the benefit of the persons entitled or who may become entitled thereto according to their respective rights and interests, and that end may confer all necessary powers on the receiver.

Sec. 2. All persons in being having a vested, contingent, or possible interest in the lands shall be cited in such cause in the manner and for the time provided for in actions concerning title to lands. All persons not in being shall be cited in the manner and for the time provided in actions against unknown owners or claimants of interest in land.

Sec. 3. No mineral lease on which there has already been drilled any oil or gas well, or both; and no mineral lease or leasing unit upon which drilling operations for oil and gas, or both, have already begun at the time of the effective date of this Act, shall come within the application of the provisions of this Act, it being the intention of the Legislature that the provisions of this Act shall apply only to mineral leases where there has been no development for oil and gas, or other minerals, upon the effective date of this Act. It is further provided, however, that no lease shall be authorized covering any mineral interest in lands in which lands there are existing homestead rights without the written consent of the owner or owners of such homestead rights given in the manner provided by law for the

conveyance of homesteads.

Sec. 4. If any part, section, subsection, paragraph, sentence, clause, phrase, or word contained in this Act shall be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares that it would have enacted, and does here now enact, such remaining portions despite any such invalidity.

Sec. 5. The fact that there are numerous tracts of land being drained of their oil, gas and other minerals by production from adjoining lands, and such lands cannot be leased because of contingent future interests therein, the owners of which are not ascertainable, and there is no manner under the present laws of this State in which such lands can be leased, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

#### Yeas—29

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

#### Absent—Excused

Bell	Carney
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#### House Bill 940 on Second Reading

Senator Kelly of Tarrant moved to suspend the regular order of business to take up House Bill No. 940 for consideration at this time.

The motion prevailed by the following vote:



## Yeas—22

Ashley	McDonald
Bracewell	Moffett
Bullock	Moore
Corbin	Morris
Cousins	Phillips
Hazlewood	Proffer
Hudson	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Martin	Vick

## Nays—5

Aikin	Lock
Colson	Weinert
Hardeman	

## Absent

Harris	Jones
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## Absent—Excused

Bell	Carney
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The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 940, A bill to be entitled "An Act declaring the floods in the Trinity River and its tributaries in Tarrant County, Texas, to be a public calamity; authorizing a donation and grant to Tarrant County, a political subdivision and public agency of the State of Texas, of all of the State ad valorem taxes levied and collected on all property in said County for general revenue purposes for a period of 2 years from the effective date of this Act; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### Motion to Place House Bill 940 on Third Reading

Senator Kelly of Tarrant moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 940 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the members present):

## Yeas—20

Ashley	Bracewell
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Bullock	Martin
Corbin	McDonald
Cousins	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

## Nays—8

Aikin	Lock
Colson	Moffett
Hardeman	Moore
Lane	Taylor

## Absent

Weinert

## Absent—Excused

Bell	Carney
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#### House Bill 786 on Second Reading

On motion of Senator Kelley of Hidalgo and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 786, A bill to be entitled "An Act amending Section 106 of Senate Bill No. 172, Acts of the 50th Legislature, Regular Session, 1947, page 967, being the Uniform Act Regulating Traffic on Highways, so as to exempt from this section vehicles used in the actual harvesting and transporting of agricultural products from the fields to a packing or a processing plant; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 786 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 786 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Colson
Ashley	Corbin
Bracewell	Harris
Bullock	Hazlewood

Hudson	Phillips
Jones	Proffer
Kelley of Hidalgo	Shofner
Kelly of Tarrant	Strauss
Lane	Taylor
McDonald	Tynan
Moffett	Vick
Moore	Weinert
Morris	

## Nays—3

Hardeman	Martin
Lock	

## Absent

Cousins

## Absent—Excused

Bell	Carney
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The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—24

Aikin	Kelly of Tarrant
Ashley	McDonald
Bracewell	Moffett
Bullock	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

## Nays—4

Hardeman	Lock
Lane	Martin

## Absent

Moore

## Absent—Excused

Bell	Carney
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## Senate Bill 247 on Second Reading

The President pro tempore laid before the Senate as a special order for this hour on its second reading and passage to engrossment:

S. B. No. 247, A bill to be entitled "An Act amending Sections 1 to 25, inclusive, of Acts 1935, 44th Legislature, page 304, Chapter 116, the

same being otherwise designated as Article 734b, Vernon's Annotated Penal Code, as amended; and repealing all parts and Sections of said Act and the amendments thereto not amended herein; making it unlawful for any person to engage in the practice of a hairdresser or cosmetologist or to operate a cosmetological school without having first obtained a certificate of registration; etc.; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

## Bills and Resolutions Signed

The President pro tempore signed in the presence of the Senate after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 217, A bill to be entitled "An Act to make permanent the 128th Judicial District of Texas composed of Orange County, Texas, and to provide for the terms thereof; and to provide that the Judge of the 128th Judicial District shall continue to serve in said District and the period thereof; and to provide that the County Attorney of Orange County, Texas, shall perform the duties of County and District Attorney of said 128th Judicial District and to provide his compensation therefor; and declaring an emergency."

H. B. No. 339, A bill to be entitled "An Act fixing the salaries of certain officials in certain counties; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 420, A bill to be entitled "An Act regulating the sale and use of 2, 4-D, and all other hormone type herbicides; providing for the licensing of dealers therein and the licensing and bonding of users thereof with certain exceptions; defining terms; defining the types of regulations to be promulgated; providing certain areas to be exempt from the provisions of this Act so long as they contain no crops susceptible to damage; providing for the promulgation of rules and regulations governing the sale and use of said chemicals by the Commissioner of Agriculture of the State of Texas; fixing a penalty; repealing all laws and parts of laws in conflict; providing a severability clause; and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, as amended by Acts of the 41st Legislature, Regular Session, 1929, Chapter 43, page 89, paragraph 1, relating to the selection of jurors for service in the District and County Courts; and declaring an emergency."

S. B. No. 486, A bill to be entitled "An Act authorizing the State Parks Board to repair, build or construct a dam or dams on the rivers or streams running through the Huntsville State Park for the purpose of impounding the waters thereof and forming reservoirs or lakes to be used for recreational and park purposes; providing that no such dam shall be repaired, built or constructed until a permit has been granted therefor by the State Board of Water Engineers; etc.; and declaring an emergency."

S. B. No. 70, A bill to be entitled "An Act amending Article 1583-2 of the Penal Code of Texas, as enacted by the Acts of the 50th Legislature, Chapter 143, Senate Bill No. 36; providing for compensation for firemen and policemen in certain cities; and providing a penalty for city officials violating the provisions of this Act; providing that this Act shall not apply to certain cities without an election being first held; providing for such elections; providing for a special election to regulate hours of duty; providing for classification of firemen and policemen according to duties performed; repealing all laws in conflict herewith; providing a severability and savings clause; and declaring an emergency."

S. B. No. 436, A bill to be entitled "An Act amending Section 2 of Chapter 163, Acts 1931, 42nd Legislature, as amended by Chapter 173, page 283, Acts 1947, 50th Legislature, Regular Session; and validating, ratifying, confirming and approving certain contracts, scrip and time warrants authorized by counties and cities of this State since the approval by the Governor of Texas of said Chapter 173, upon specified conditions, repealing all general and special laws in conflict; and declaring an emergency."

H. J. R. No. 15, Proposing an amendment to the Constitution of the State of Texas by adding a new section to be known as Section 48-b, authoriz-

ing the Legislature to provide for the establishment of health units, and authorizing a tax in support thereof.

H. C. R. No. 140, Recalling House Bill No. 971 from the Senate for further consideration.

H. C. R. No. 141, Suspending the joint rules so as to allow the House to consider H. B. No. 976 on Thursday, June 16, 1949.

H. C. R. No. 142, Granting each House permission to adjourn from Thursday, June 16, 1949, until Monday, June 20, 1949.

S. C. R. No. 72, Relative to effective date of Senate Bill No. 93, etc.

S. C. R. No. 73, Permitting the House to consider H. J. R. No. 43 on Wednesday, June 15, or Thursday, June 16, 1949.

#### Recess

On motion of Senator Strauss, the Senate at 12:20 o'clock p.m., took recess to 2:30 o'clock p.m. today.

#### Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President pro tempore.

#### House Bill 786 on Final Passage

Senator Kelley of Hidalgo moved to reconsider the vote by which H. B. No. 786 was passed.

The motion to reconsider prevailed.

The President pro tempore then laid H. B. No. 786 before the Senate on its final passage.

Question—Shall the bill be passed?

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend House Bill No. 786 by striking out the words and figures "sixteen (16)" contained on page 2 under Section 1, "Section 106. '5'" and substituting in lieu thereof the words and figures "17 feet and 9 inches."

The amendment was adopted by the following vote:

Yeas—22

Aikin

Bell

Bracewell	Kelly of Tarrant
Bullock	Lane
Carney	Moffett
Colson	Morris
Corbin	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Nays—3

Cousins	Martin
Hardeman	

Absent

Ashley	Moore
Lock	Strauss
McDonald	Weinert

House Bill No. 786 was then passed by the following vote:

Yeas—21

Bell	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Lane
Carney	Moffett
Colson	Morris
Corbin	Phillips
Cousins	Shofner
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	

Nays—2

Hardeman	Martin
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Absent

Aikin	Moore
Ashley	Proffer
Lock	Strauss
McDonald	Weinert

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
June 20, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 936, A bill to be entitled "An Act requiring all State Boards having State-wide jurisdiction to deposit all sums of money now in their hands or under their control and all sums of money that may be collected

by them in the future into the State Treasury and to be expended as provided by law; repealing all laws in conflict; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Bills Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 654, A bill to be entitled "An Act to amend Sub-section C of Section 3, of the Regular Session of the 42nd Legislature, 1931, Chapter 282, regulating the length of vehicles and combination of vehicles and providing an exception; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 69, A bill to be entitled "An Act to protect the public health by the regulation of the practice of Naturopathy; to create a Naturopathic Examining Board; to adopt rules and regulations; define the practice of Naturopathy; etc.; and declaring an emergency."

#### Senate Bill 247 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 247 on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Senator Harris offered the following committee amendment to the bill:

(Committee Amendment No. 1)

Amend Section 3 (a) of Senate Bill 247 by adding after the words "occupation of hairdresser" the following:

"Unless otherwise excepted under the provisions of this Act."

The committee amendment was adopted.

Senator Harris offered the following committee amendment to the bill:

(Committee Amendment No. 2)

Amend Section 18 of Senate Bill 247 by deleting after the words "apply to" the following words:

"Limit or prohibit the arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring of, or any work upon the hair of a person, by a member of such person's immediate family, when performed in a private home without charge or fee."

And by adding after the words, "apply to" the following words:

"Any person who engages in or performs any one or any combinations of the following practices, to-wit, arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring of the hair who performs same in a home or dwelling place without fee or charge."

The committee amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill 247 by adding the following language in line 42, page 5, after the word "Act" and before the word "provided", as follows:

"Provided further that this sentence and provision of this Act shall apply, however, to beauty shops or beauty schools if such shops or schools change location, or the ownership thereof."

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend Senate Bill 247, printed copy, by changing the comma to a period on line 40, page 5, and striking out the balance of line 40, beginning with the word "but", all of line 41 and to the period on line 42.

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend S. B. No. 247 by striking out the words "or cutting the hair of a female person only" appearing in lines 60 and 61, page 2 thereof.

(Senator Hardeman in the Chair)

Senator Harris moved to table the amendment.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—6

Bell	Hazlewood
Colson	Jones
Harris	Strauss

Nays—23

Aikin	Martin
Ashley	McDonald
Bullock	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hudson	Shofner
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Absent

Bracewell	Weinert
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Question recurring on the amendment, it was adopted.

Senator Lane offered the following amendment to the bill:

Amend S. B. No. 247 by striking out the language beginning after the word "vocations" in line 3 and ending with the word "person", line 8 of Section 18 on page 9 thereof.

Senator Harris moved to table the amendment.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—7

Bell	Jones
Colson	Morris
Harris	Strauss
Hazlewood	

Nays—22

Aikin	Lock
Ashley	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Phillips
Hardeman	Proffer
Hudson	Shofner
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Absent

Bracewell	Weinert
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Question recurring on the amendment, it was adopted.

S. B. No. 247 was passed to engrossment.

#### Senate Bill 247 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 247 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

#### Absent

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

#### Nays—1

Aikin

#### Absent

Hazlewood      Weinert

#### Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Senator Carney submitted the following report:

Austin, Texas,  
June 20, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 976, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

#### House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 936, to the Committee on Finance.

#### Adjournment

Senator Moffett moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—18

Ashley	Jones
Bracewell	Kelley of Hidalgo
Bullock	Kelly of Tarrant
Colson	McDonald
Corbin	Moffett
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss

#### Nays—11

Aikin	Moore
Bell	Morris
Hardeman	Taylor
Lane	Tynan
Lock	Vick
Martin	

#### Absent

Carney      Weinert

The Senate accordingly at 3:30 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.